

**TOWN OF EAST WINDSOR  
INLAND WETLANDS WATERCOURSE AGENCY**

**Regular Meeting – August 1, 2012**

**\*\*\*\*\*Draft Document – Subject to Commission Approval\*\*\*\*\***

**CALL TO ORDER:** Chairman Savaria called the Meeting to order at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

**ESTABLISHMENT OF QUORUM:**

**Present:** Regular Members Ron Savaria (Chairman), Michael Koczera, Michael Sawka, Robert Slate, and Alternate Member Kathryn Roloff.

**Unable to Attend:** Regular Members John Malin, and Richard Osborn.

**Guests:** Selectman Richard Pippin (Inland/Wetlands Liaison); Dale Nelson, Selectman; Kathy Pippin, Board of Finance.

Chairman Savaria noted the establishment of a quorum with four Regular and one Alternate Member as noted above. All Regular members will sit in on votes this evening. Alternate Member Roloff will join the Board in discussion and action on Agenda Items this evening.

Also in attendance was Wetlands Agent/Zoning Enforcement Officer Robin Newton.

Chairman Savaria recognized resident attendance at this Meeting; he queried if anyone was present for the Continuation of the Public Hearing for Gardner Chapman? In response to an affirmative reply Chairman Savaria advised the audience that the Public Hearing for the Gardner Chapman Application had been extended to the Commission's September 5<sup>th</sup> Meeting. He referenced erroneous information published in The Patch which suggested that the Public Hearing would continue this evening.

Wetlands Agent Newton advised everyone that the Public Hearing item appeared on the Agenda as an extension to September 5<sup>th</sup> as both the Town and the Applicant are waiting for their experts to provide information. Discussion on the Application would continue at the September 5<sup>th</sup> Meeting.

Discussion followed regarding the process to determine the status of the Application. Some residents had called Town departments not involved in the Application; some residents indicated they didn't have computers to access the Town website. Chairman Savaria and Wetlands Agent Newton advised the public to direct their inquiries to the Planning Department. Several residents left the Meeting.

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**ADDED AGENDA ITEMS:**

Chairman Savaria noted the following Agenda Addition:

1. **NEW APPLICATION TO BE RECEIVED: 11-2012: ANNETTE FORTUNE: 121 North Road**, Request for permit to build an overpass through swamps to reach higher ground to be used as walkway and tractor way for continued maintenance. Assessor's Map 124, Block 16, Lot 26A. (65 day application period ends October 5, 2012).

**APPROVAL OF MINUTES – June 6, 2012):**

**MOTION:** To APPROVE the Minutes of Regular Meeting dated June 6, 2012 with the following amendments:

**Page 7, Line #295, NEW PUBLIC HEARING: 6-2012: Gardner Chapman:** Request to conduct regulated activities associated with the construction of a 480 unit luxury apartment complex. This property, which is owned by Helen Maciolek, Titus Realty, and Estate of Pauline Putriment, is located at 111 and 115 South Main Street, and 49 Phelps Road, East Windsor. Assessor's Map 052, Block 20, Lot 61, (111 and 115 South Main Street), and Assessor's Map 052, Block 20, Lot 52, (49 Phelps Road): "indicated that you "~~lose~~ **LOSE** the flood plain to the west" as the grade flattens out....."

**Koczera moved/Slate seconded/VOTE: In Favor: Unanimous**

**CONTINUED PUBLIC HEARING: 6-2012: Gardner Chapman:** Request to conduct regulated activities associated with the construction of a 480 unit luxury apartment complex. This property, which is owned by Helen Maciolek, Titus Realty, and Estate of Pauline Putriment, is located at 111 and 115 South Main Street, and 49 Phelps Road, East Windsor. Assessor's Map 052, Block 20, Lot 61 and 65 (111 and 115 South Main Street), and Assessor's Map 053, Block 20, Lot 52 (49 Phelps Road). (65 day application period ends July 6, 2012; extended through August 1, 2012; **extended through September 5, 2012):**

Chairman Savaria read the Hearing description. See comments made by Chairman Savaria and Wetlands Agent Newton at beginning of Meeting regarding continuation of this Public Hearing.

**NEW APPLICATION TO BE RECEIVED: 11-2012: ANNETTE FORTUNE: 121 North Road**, Request for permit to build an overpass through swamps to reach higher ground to be used as walkway and tractor way for continued maintenance. Assessor's Map 124, Block 16, Lot 26A. (65 day application period ends October 5, 2012).

No motion; automatic acceptance at this regularly scheduled meeting.

**NEW BUSINESS: #12-2012A** (incorrectly identified, Application number should be **#10-2012A** wherever shown): **East Windsor Cemetery Association** – Request to

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modify existing Permit ~~#12-201A~~ #10-2012A to reduce proposed driveway width from 18' to 12' Property, which is owned by the East Windsor Cemetery Association, is located 1600 feet from the intersection of Scantic Road. Assessor's Map 055, Block 32, Lot 19. (65 day application period ends September 14, 2012):

Chairman Savaria read the Application description. The Recording Secretary noted – with her apologies - the incorrect application number assignment, and the appropriate correction.

Appearing to discuss the Application were Jay Ussery, of J. R. Russo & Associates, representing the Applicant, the East Windsor Cemetery Association. Also present was Daniel Burnham, President of the East Windsor Cemetery Association.

Mr. Ussery reported this Application is for a modification of a plan approved a couple of years ago. The Application involves a service/access driveway from Cemetery Road which crosses an intermittent watercourse into the Cemetery Association property. The original approval granted showed an 18' paved/gravel crossing of the intermittent watercourse. At that time the main driveway into the Cemetery was located to the west of this drive. The question asked at the time of the original approval was what were the alternatives to the proposed crossing? At that time the alternatives included:

- **Widen the existing Cemetery driveway:** Mr. Ussery suggested that couldn't be done as it required the purchase of land from a neighbor; the additional land was not available at the time of the original approval. Mr. Ussery indicated the neighbor has now agreed to provide the needed property to widen the existing Cemetery road. The East Windsor Cemetery Association would like to keep this proposed driveway as a service drive; they are proposing to reduce the width from 18' to 10' to reduce the amount of wetlands disturbance from 4500 square feet to 4450 square feet for a total reduction of 450 square feet of wetlands disturbance. Mr. Ussery indicated they are NOT changing the size of the pipe as proposed under the original crossing; they are reducing the length of the pipe slightly. Mr. Ussery indicated they are proposing a 3:1 grass slope next to the crossing. If the Commission preferred the grade could be reduced to a 2:1 riprap slope but Mr. Ussery suggested he would prefer to retain the 3:1 slope.

Mr. Ussery referenced Wetlands Agent Newton's memo to the Commission dated 7/30/2012 which questioned the necessity of this crossing if the widening of the existing driveway is approved? Mr. Ussery suggested if the question were asked of different people you would get different answers, and until there is an emergency the answer is "no". Even with 22' there is no other access. This service driveway, which wouldn't be used by the general public, could be used as an emergency access. Mr. Ussery indicated there is a slight disturbance of the intermittent watercourse, but he questioned the negative impact, especially once the vegetation is established. Mr. Ussery indicated the watercourse contains no fish, maybe some frogs. Mr. Ussery suggested he didn't feel the crossing will cause a whole lot of change.

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Chairman Savaria suggested it didn't appear that the decrease in impact was proportionate to the reduction in disturbance. Mr. Ussery suggested they are proposing to leave the slope at a 3:1 grade and are proposing a vegetative cover. Mr. Ussery indicated the area could be reduced to a 2:1 riprap slope but he felt there wouldn't be that much of a difference at a 450 square foot reduction in disturbance. Mr. Ussery suggested the wetlands at this point is fairly narrow; the length of the crossing is fairly short.

Commissioner Roloff questioned the size of the Cemetery? Mr. Burnham suggested the Cemetery is Town property; he felt it contained approximately 6 or 7 acres. Mr. Ussery indicated that the front portion of the Cemetery goes up to (Cemetery) Road; he felt that area contained approximately 1 acre. Mr. Ussery suggested there were not a lot of graves in the front portion of the Cemetery. Mr. Ussery suggested all the other cemeteries are filled to capacity.

For clarification Wetlands Agent Newton advised everyone expansion of cemeteries in East Windsor is limited by the Zoning Regulations. Expansions can only occur for a specific number of feet on the sides and back; no new cemeteries are presently allowed. Wetlands Agent Newton suggested the alternative suggested by David Askew (of the Hartford County Soil and Conservation District) and herself is now being proposed by the Cemetery Association. She suggested the area of the proposed crossing is a corridor of vegetation; they don't know if the crossing merits the disturbance. She indicated she is still looking for a feasible and prudent alternative.

Chairman Savaria questioned why this accessway was needed now that the widening of the main Cemetery access can now be done on the other side? Mr. Ussery indicated two-way access in a parking lot is 24', while a Town road is 26'. He suggested there is the possibility that something could happen there that could limit access. The (main drive to the Cemetery) is fairly steep; the Cemetery is often visited by older folks whose driving skills are not always what they should be. Mr. Ussery suggested the Commission should be considering the negative impact on the intermittent watercourse of a small amount of wetlands disturbance.

Commissioner Slate noted that the last time the Applicant and Mr. Ussery were before the Commission was because you couldn't widen the other road, and now you can. That was the argument you had before so now there isn't a need for this driveway.

Commissioner Roloff suggested there is limited traffic on this road; she didn't feel the access drive was needed.

Commissioner Sawka questioned the cost of the proposed access drive? Mr. Ussery suggested \$20,000 to \$25,000; maybe \$30,000.

Commissioner Roloff suggested if the accessway is put in people will use it. Mr. Ussery suggested there will be a gate at the entrance. Mr. Burnham added – with a lock. Mr. Burnham noted a funeral requires several large trucks. He gave an example of a recent

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funeral for which the driveway was blocked; he had to wait a half hour for access himself. He suggested the accessway wasn't important to the Commission but it was to the Cemetery Association. Commissioner Slate questioned if the blocked driveway Mr. Burnham was referring to was the existing Cemetery road? Mr. Burnham replied affirmatively. Commissioner Slate suggested he would have had to wait anyway; he suggested he didn't see the problem.

Commissioner Koczera felt the proposal was fine; he didn't feel it would affect the watercourse; he is in favor of the Application. He suggested there were bigger projects in Town affecting larger amounts of wetlands.

Chairman Savaria questioned that on the other Application (#08-2012) there is no increase in disturbance? Wetlands Agent Newton suggested the question before the Commission is whether there is a prudent or feasible alternative; whether it's a benefit to the Town doesn't come into play. Chairman Savaria suggested the Applicant could say it's necessary for an emergency. Commissioner Slate suggested if it's an emergency 12' won't be wide enough. Chairman Savaria suggested 12' is one way. Wetlands Agent Newton suggested the argument for a maintenance driveway would sway her more than the suggestion of an emergency access. She felt generally the Applicant could plan for funerals. Commissioner Sawka suggested then in other words – leave well enough alone. Wetlands Agent Newton referenced the information provided in the Commissioner's packets – including David Askew's comments.

Commissioner Roloff recalled the original approval was granted because the alternate didn't exist. Mr. Ussery suggested this is the only Cemetery in Town that doesn't have multiple accesses. There is a reason for the 4,000 square foot disturbance in the intermittent watercourse which will have no effect on the wetlands or a habitat. Mr. Ussery suggested if the Commission took the proposal on face value he didn't see how the Commission couldn't see; this isn't a pond being filed in; it isn't a perennial stream; it's a drainage ditch which is dry now. Chairman Savaria suggested but it is wetlands. Wetlands Agent Newton concurred; it's a wetlands corridor. Commissioner Roloff questioned - in Wetlands Agent Newton's opinion – is this watercourse a meaningful stream? Wetlands Agent Newton noted that when she and David Askew walked the site it presented an undisturbed, well vegetated stream corridor; there are trees along the area which will also be disturbed. The question is – is there a prudent and feasible alternative? She and David Askew must tell you as a Commission if they feel there is one. If the Commission feels the proposal is a necessary crossing for access to the Cemetery than you can say it's prudent and feasible.

Commissioner Koczera questioned if the Applicant has a permit for this work already? Wetlands Agent Newton reported they are proposing a modification to original approval. If they didn't come in with this modification once you approved the next application she indicated she would have said the next application was the prudent and feasible alternative and this Commission should have taken your approval back, but instead of that they chose to present this Application first.

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Commissioner Slate questioned the number associated with the 3:1 slope; what's the velocity of the water running down the slope? How can you say there won't be any impact; there are no trees in the way to lessen the velocity. Mr. Ussery suggested there is vegetation there, but it won't stop the run off. Chairman Savaria suggested water does run off quicker on pavement.

Wetlands Agent Newton questioned if there was some long term reason for the access drive? Mr. Burnham suggested they are trying to ease the traffic flow; they are not going to set up a Walmart. They can send heavy trucks on this access drive; they will be making a roadway and clearing trees at some point. The Cemetery roads tend to be fragile, little roads. Whatever the Commission says is right. We don't do burials with hand shovels; there is a little convoy of trucks associated with a funeral. Commissioner Koczera suggested he used to drive trucks; there were many times he was blocked up for hours.

Commissioner Roloff didn't feel there was a need for this access drive based on the annual burial rate.

Mr. Burnham suggested the other cemeteries are being filled up. Commissioner Sawka felt if this doesn't happen now it will happen; the cost will go up. Commissioner Sawka suggested he felt it was a good idea; it will be easier for them.

Mr. Ussery questioned if it would make the Commission feel better if they added wetlands plantings on the slopes; he could speak with David Askew for suggestions. Mr. Ussery suggested maybe 50' on each side of the crossing, and also in the crossing. Mr. Ussery felt he was sure Mr. Burnham wouldn't mind doing that if it would ease the Commission's mind. Chairman Savaria suggested he wasn't sure that was the concern being raised.

Commissioner Koczera and Commissioner Sawka indicated it looked good to them. Commissioner Koczera felt the Commission needed to look to the future. Commissioner Sawka suggested it will be more costly in the future; a road will be put in. It will make these guys job a lot easier.

Wetlands Agent Newton noted there is a riprap scour on the down side of the pipe; she questioned if that was because of the velocity? Mr. Ussery replied negatively, noting that was standard practice. Wetlands Agent Newton questioned if there was a need for it; it's located near a stream which they would like to keep as natural as possible, and there are flows going through the area now. Mr. Ussery noted they could put plantings on the down side but he wouldn't recommend it. Wetlands Agent Newton recalled Mr. Ussery had just said there is not water in it now. Mr. Ussery reiterated it's dry now; it does convey stream flow. Wetlands Agent Newton recalled David Askew and Michael Gragnolati both said it was a watercourse and wetland. Mr. Ussery repeated his contention that he didn't think the crossing impact would have any effect on this corridor.

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Chairman Savaria suggested the Commission consider a motion.

Commissioner Roloff returned discussion to the riprap scour; where is it proposed in relation to the wetlands? Mr. Ussery suggested it would be to the west; it's a standard design process. Wetlands Agent Newton suggested it's a standard design but one of the reasons for it is for velocity. If Mr. Ussery is saying there is almost no change to the watercourse, except for a rain event, then it shouldn't be needed and it shouldn't be there.

**MOTION: To APPROVE the Application of the East Windsor Cemetery Association for a Request to modify existing Permit #10-2012A to reduce proposed driveway width from 18' to 12' Property, which is owned by the East Windsor Cemetery Association, is located 1600 feet from the intersection of Scantic Road. Assessor's Map 055, Block 32, Lot 19. Motion of approval includes the following condition:**  
**1. Wetlands plan as discussed be approved by Town Staff.**

**Koczera moved/Sawka**

**VOTE: In Favor: Savaria/Koczera/Sawka  
Opposed: Roloff  
Abstained: Slate**

Mr. Burnham suggested that was easy.

Subsequent review with the Town Attorney found The MOTION FAILED DUE TO A LACK OF A MAJORITY VOTE.

**NEW BUSINESS: 08-2012: Town of East Windsor/East Windsor Cemetery Association, Scantic Cemetery** – Request to widen existing 10 foot drive to 22 feet. Property, which is owned by the Town of East Windsor, is located 1000 feet from the intersection of Scantic Road. Assessor's Map 055, Block 32, Lot 21. 65 day application ends September 14, 2012):

Chairman Savaria read the description of this Item of Business. Appearing to discuss the Application were Jay Ussery, of J. R. Russo & Associates, representing the Applicant, the East Windsor Cemetery Association, and the property owner, the Town of East Windsor. Also present was Daniel Burnham, President of the East Windsor Cemetery Association.

Mr. Ussery suggested this is an Application to do some work within the upland regulated review area. The proposal is to widen the westerly drive. Mr. Ussery suggested that with the original permit the Applicant told the Commission there was nowhere to widen the driveway into the Cemetery because in the front part of the Cemetery the graves come right up to the driveway, and on the west side the property line comes up to the existing driveway. Since that time the Cemetery Association has worked out an arrangement with the Tyler family to purchase a sliver of land at the Cemetery Road end of the existing driveway. This purchase will enable them to widen the existing driveway, and go up the

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hill to the rear part of the Cemetery.

Mr. Ussery suggested the work to be done would include:

- ❖ Widening of the existing Cemetery driveway by adding 3' to the existing shoulder on each side which would reduce the disturbance in the wetlands to zero.
- ❖ Mr. Ussery suggested the proposed plan has been reviewed by Town Engineer Norton, who has made the following recommendations:
  - Installation of silt fence to be placed along the widened area
  - Adding that work to the proposed plan
  - Discussion of grading rights with the Tyler family if this plan moves forward.
- ❖ NO change to the existing culvert. Commissioner Koczera questioned that there would be no disturbance to the wetlands? Mr. Ussery replied none at all.

Chairman Savaria indicated he was looking for Erosion and Sedimentation Control measures listed on the plans. Mr. Ussery indicated he will be adding a note to the plans; he didn't bring a revised copy for everyone. Wetlands Agent Newton noted she had not seen the revised plan yet; however, she reported that Erosion and Sedimentation Controls are a requirement, and if they are NOT shown on the plan it can be a condition of approval. Mr. Ussery gave Wetlands Agent Newton a plan at this Meeting to review. After looking over the plan Wetlands Agent Newton suggested she didn't see an issue with the proposal; she reiterated it's a standard condition of approval that if she sees a problem in the field she can require remediation.

Wetlands Agent Newton offered a suggestion with regard to future applications. She noted that it didn't make a difference for this Application but there is a requirement in the Zoning Regulations that driveway access can't be within 10' of a boundary line.

Commissioner Slate requested that in the future he would like to see more than a 30 second notice of changes.

**MOTION: To APPROVE the Application of the Town of East Windsor/East Windsor Cemetery Association, Scantic Cemetery – Request to widen existing 10 foot drive to 22 feet. Property, which is owned by the Town of East Windsor, is located 1000 feet from the intersection of Scantic Road. Assessor's Map 055, Block 32, Lot 21.**

**Slate moved/Koczera seconded**

**VOTE: In Favor: Unanimous (Koczera/Roloff/Savaria/Sawka/Slate)  
Opposed: No one  
Abstained: No one**

**NEW BUSINESS: 09-2012: West River Farms, LLC** – Application made pursuant to C.G.S. 8-26. No activity proposed to wetlands or upland review area. Property, which is owned by West River Farms, LLC, is located at 331 Scantic Road, East Windsor.



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Assessor's Map 3, Block 34, Lots 60 and 62. (65 day application period ends September 14, 2012):

Chairman Savaria read the description of this Item of Business. He suggested this work will be going on in the Town of South Windsor. Wetlands Agent Newton reported under the Subdivision Regulations under the Connecticut General Statutes (CGS) if a property has wetlands on it and there is no activity proposed within those wetlands it is required that a sign-off be acquired from the Wetlands Commission. This property is located on Scantic Road; it's the former Victory Outreach property. An Applicant is proposing a subdivision, all of which will be located in East Windsor, but there are wetlands located in the South Windsor portion of the property; those wetlands come up to the East Windsor line. The Applicant needs a ruling from the East Windsor Wetlands Commission that they have no jurisdiction for the proposed activity.

Appearing to discuss this request was Attorney Joseph Capossela, who is representing the developer. Attorney Capossela suggested what the Commission needs to do is to make report to the Planning and Zoning Commission (PZC) indicating what they think about the proposal. Attorney Capossela referenced the CGS, noting that when a site contains wetlands it must go to the Wetlands Commission before going to the PZC. The PZC can not make its decision until the Inland Wetlands Agency has submitted a report to the PZC. Attorney Capossela then read the application section of the CGS.

Attorney Capossela suggested if a property has wetlands, and even if the Applicant isn't doing anything with the wetlands, the Applicant must make an Application to the Inland Wetlands Agency, who must then make a report to the PZC.

Wetlands Agent Newton indicated the Applicant requested to submit the Application which is before the Commission this evening. She suggested the normal procedure for this Agency is when a subdivision is proposed and it has wetlands there is a Staff form which can be signed off on by the Wetlands Agent; that form is then sent to the PZC as the report. Wetlands Agent Newton suggested this Applicant chose to submit this Application on the Agenda tonight. Attorney Capossela indicated the Applicant didn't want any problems with this subdivision.

Wetlands Agent Newton advised the Commission that because the request came in as an Application the Commission must make a motion indicating there is no impact to the wetlands or upland review area, and request that a letter be sent to the PZC advising them of that finding. Commissioner Roloff felt that sense this came in as an application the Commission must accept the application before acting on it. Wetlands Agent Newton reported that the Application was statutorily accepted at the Commission's July Meeting, which was cancelled. Attorney Capossela suggested the letter to the PZC should indicate that the Wetlands Commission finds no impact on the wetlands; Wetlands Agent Newton reported that's what is done procedurally.

The Commission took some time to formulate various options for their motion.

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**MOTION:** To HAVE THE WETLANDS AGENT send a letter to the Planning and Zoning Commission to accept the following Application because there is no impact to the wetlands - Inland Wetlands Application #09-2012: West River Farms, LLC – Application made pursuant to C.G.S. 8-26. No activity proposed to wetlands or upland review area. Property, which is owned by West River Farms, LLC, is located at 331 Scantic Road, East Windsor. Assessor's Map 3, Block 34, Lots 60 and 62.

**Slate moved/Roloff seconded**

**VOTE:** In Favor: Unanimous (Koczera/Roloff/Savaria/Sawka/Slate)  
Opposed: No one  
Abstained: No one

**OLD BUSINESS/1) East Windsor Cemetery Association – Springdale Cemetery, Warehouse Point – Cease and Desist Order for Conducting a Regulated Activity without a Permit: \***

Wetlands Agent Newton noted this Item of Business continues to be listed as a pending item on the Agenda but will not be discussed this evening as no additional information has been submitted to the Planning Office.

Mr. Ussery indicated this Cease and Desist Order remains in a holding pattern.

**OLD BUSINESS/2) Emilio and Adeline Parente – 284 South Main Street, East Windsor, CT. - Cease and Desist Order for Conducting a Regulated Activity without a Permit: \***

Wetlands Agent Newton noted this Item of Business also continues to be listed as a pending item on the Agenda but will not be discussed this evening as no additional information has been submitted to the Planning Office.

Mr. Ussery noted an Application has been filled out for this Cease and Desist Order but remains on his desk and has not yet been submitted to the Planning Office. Mr. Ussery anticipated the Commission will see an Application for Mr. Parente for the next Meeting.

**AGENT DECISIONS/1) 10-2012: Town of East Windsor – Town Garage, 6 Woolam Road, East Windsor, CT. – Request to stockpile construction materials at Town Garage. Property, which is owned by the Town of East Windsor, is located at 6 Woolam Road at the intersection of Scantic Road. Assessor's Map 44, Block 34, Lot 1.**

Wetlands Agent Newton noted this Application had been submitted in regard to the stockpiling of millings at the Town Garage. She noted that millings had been stored at the Town Garage in the past. There is a drainage ditch to the rear of the Town Garage which collects road drainage from Scantic Road; that drainage ditch dumps into the

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Scantic River 2500+/- feet from the Town Garage. The impact on the drainage ditch with regard to runoff from the millings is no different than the collected runoff from the Scantic Road drainage.

Wetlands Agent Newton noted she called DEEP (the Department of Energy and Environmental Protection) for clarification as residents have expressed concerns regarding possible contaminants/pollution. DEEP indicated they consider it clean fill; the DEEP is not concerned with the milling storage.

Wetlands Agent Newton indicated the millings will be used for maintenance of roads and Town owned parking lots; there is a need for this material and it was provided free of cost. As there appears to be a difference of opinion regarding what can be stored at the Town Garage Town Engineer Norton has applied for a Special Use Permit through the Planning and Zoning Commission. Wetlands Agent Newton reiterated there is no wetlands impact; she signed off on this Application as an Agent Decision.

**STATUS REPORTS:**

Wetlands Agent Newton reported on the following items:

- After six years DEEP has given Mr. Balch permission to move fill from wetlands located along Route 5 to another location across the street. DEEP wants the material moved before December 2012.
- Walmart was issued a Zoning Permit yesterday. The Planning Department has received the funds associated with the mitigation project; Wetlands Agent Newton will work with Town Engineer Norton to develop a plan for installation of the mitigation next Spring.

**CONFERENCES/ SEMINARS/ TRAINING:**

Wetlands Agent Newton reminded the Commission Members that she has scheduled a Wetlands Training Session for Thursday, August 16, 2012. The session, which will begin at 6:00 p.m., is being held in the Town Hall Meeting Room. The Training Session will be posted as a Special Meeting; members will be called to remind them of the additional meeting. Commissioner Roloff indicated she can now attend the in-house training session.

Chairman Savaria reported he has taken Session I of the DEEP training a couple of months ago, and Session II recently. Wetlands Agent Newton and Chairman Savaria noted Session I includes site plan review as it relates to wetlands and what are proper considerations for a Wetlands Board to ponder when making a decision. Chairman Savaria reported he participated in both sessions at his own expense so other Commissioners could use the Town stipend; no one else cited interest in attending training sessions.

**CORRESPONDENCE:**      None

**GENERAL BOARD DISCUSSION:**

- Commissioner Koczera suggested he would like to see new wetlands regulations which would allow conservation areas – such as is being proposed for the Chapman Application – to be used for agricultural rather than as wetlands. It was discussed that the area would be a Conservation Easement; he would like to see it be used for farming. He would like to see that it would not be possible for the land to be built on. Commissioner Koczera cited Tribble created a wetlands area which Commissioner Koczera felt became useless property.

Commissioner Koczera reiterated he would like to see a regulation for people to be able to hay a field or use it for other agricultural uses. Wetlands Agent Newton suggested that Wetland Regulation already exists. Commissioner Koczera questioned that when an applicant says they want to put property into a Conservation Easement he would be able to say no? Wetlands Agent Newton clarified that this Commission, as a Wetlands Board, doesn't determine what the Open Space is used for; it's the Planning and Zoning Commission and the Conservation Commission that determine the use. Conservation Easements just say a property can't be built on; it's a protection for the Town. Commissioner Koczera questioned that if a big company comes in and says they will build on a property but put in a Conservation Easement elsewhere? Wetlands Agent Newton reiterated the use is a Planning and Zoning Commission decision.

Wetlands Agent Newton suggested that in regard to the Tribble wetlands area mentioned by Commissioner Koczera that area was a wetlands remediation for another project. Commissioner Koczera suggested that land has become overgrown shrubbery and is a breeding ground for mosquitos. Commissioner Koczera questioned what does a wetlands do to bring water into an area; he suggested it's only a drainage ditch. Farming or fields brings water back into the groundwater. Wetlands Agent Newton questioned what was Commissioner Koczera doing sitting as a Board Member if he had to ask that question? She cited those wetlands provide several of the specific functions of wetlands, such as a wetlands recharge area, and a wildlife habitat.

Wetlands Agent Newton reiterated that if a property is currently being farmed the Planning and Zoning Commission can propose that it remain an agricultural use, but a Conservation Easement is still put on the property.

Commissioner Slate referenced the mitigation project proposed by Walmart; the mitigation is an improvement. As a Wetlands Commissioner he likes to see those proposals. Chairman Savaria noted that the State and Federal government say wetlands are irreplaceable. They have indicated that 75% of the inland wetlands that used to exist are now gone. Wetlands serve functions.

- Commissioner Roloff felt there appeared to be philosophical differences amongst the Board members. She cited comments made at a previous Meeting by Commissioner Sawka which upset her. Commissioner Roloff felt the Commissioners were on the Board to support preservation of wetlands, and because we all understand how important wetlands really are. If there is an issue with regard to the Commission's intent it needs to be discussed.

Commissioner Sawka questioned what was the issue that upset Commissioner Roloff? Commissioner Roloff suggested it was in regard to the cave-in at the (Springdale) Cemetery. Wetlands Agent Newton suggested that premise/statement is why the Town has such a problem with Blue Ditch – activities associated with farming and homes along the Blue Ditch all create flooding. Decisions made by the Commission will be part of what she will focus on during the in-house training session. Wetlands Agent Newton clarified that she must appear in court to defend the Commission's decisions/comments. She suggested the Commission must look at how a proposed activity impacts the whole corridor and how an additional crossing will add to the overall impact of an area. When the Commission reviews an application they need to look outside of the box; consider what other crossings exist and how they impact the one being proposed.

Discussion turned to how the Blue Ditch was created. Wetlands Agent Newton clarified the area isn't a ditch; it's a stream which was just named the Blue Ditch. Selectman Pippin suggested it was named for the blue clay which existed at the site; he suggested the area is as flat as a pancake. Wetlands Agent Newton suggested part of the problem is that the area isn't maintained. It's abutted by farm fields; homeowners cut down trees and block the area. She suggested the Commission doesn't always hear of the problems coming through the Planning Office.

**PUBLIC PARTICIPATION (Discussion on non-Agenda items only)**

Selectman Pippin indicated he has also observed the Scantic River looking like you could walk across it (a reference to a comment received by the Planning Office that the Scantic River is experiencing runoff from upstream which causes it to look like chocolate). He agreed he felt the Commission should look into it. Wetlands Agent Newton noted she is aware of the problem; she requested Commissioners to peruse the condition of the Scantic if they are upstream and offer suggestions as to the source of the runoff. It was suggested the runoff begins in Enfield.

**ADJOURNMENT:**

**MOTION: To ADJOURN this Meeting at 8:33 p.m.**

**Slate moved/Sawka seconded/VOTE: In Favor: Unanimous**

**TOWN OF EAST WINDSOR  
INLAND WETLANDS WATERCOURSE AGENCY  
Regular Meeting – August 1, 2012**

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Respectfully submitted:

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Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission  
(5723)